

111TH CONGRESS  
1ST SESSION

# H. R. 3087

To amend title 38, United States Code, to establish a deadline for decisions with respect to claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2009

Mr. BUTTERFIELD introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to establish a deadline for decisions with respect to claims for benefits under laws administered by the Secretary of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress makes the following findings:

5 (1) As of May 18, 2009, the pending workload  
6 for pension and compensation claims was 725,051,  
7 and of this total, 146,565 or 20.2 percent of such  
8 claims had been pending for more than 180 days

1 (the criteria used by the Department of Veterans Af-  
2 fairs for backlog).

3 (2) The claims backlog of the Department of  
4 Veterans Affairs was 803,000 on January 5, 2009,  
5 and the backlog hit 915,000 on May 4, 2009, a  
6 staggering 14 percent increase in four months.

7 (3) The issue of backlogs has become so dire  
8 that veterans now wait an average of six months to  
9 receive disability benefits and as long as four years  
10 for their appeals to be heard in cases where their  
11 benefits were denied.

12 (4) The importance of receiving timely benefit  
13 decisions is evidenced by the fact that the suicide  
14 rates among veterans in January and February of  
15 2009 were higher than the number of combat deaths  
16 in war zones during that same time period.

17 (5) The four step process for a veteran to get  
18 a “local determination” with respect to the veteran’s  
19 claim for benefits currently does not have a time pe-  
20 riod in which the determination is required to be  
21 made.

22 (6) Section 5108 of title 38, United States  
23 Code, provides, “When there is an approximate bal-  
24 ance of positive and negative evidence regarding any  
25 issue material to the determination of a matter, the

1 Secretary shall give the benefit of the doubt to the  
2 claimant.”.

3 **SEC. 2. DEADLINE FOR DECISIONS WITH RESPECT TO**  
4 **CLAIMS FOR BENEFITS UNDER LAWS ADMIN-**  
5 **ISTERED BY THE SECRETARY OF VETERANS**  
6 **AFFAIRS.**

7 (a) DEADLINE FOR DECISIONS.—Section 5104 of  
8 title 38, United States Code, is amended by adding at the  
9 end the following new subsection:

10 “(c) The Secretary shall make a decision with respect  
11 to each claim for benefits under the laws administered by  
12 the Secretary, and notify the claimant of such decision,  
13 by not later than 18 months after the date on which the  
14 claim is submitted to the Secretary. Any claim for which  
15 the Secretary has not made a decision by the deadline  
16 under the preceding sentence shall be automatically ap-  
17 proved.”.

18 (b) APPLICABILITY.—

19 (1) IN GENERAL.—Subsection (c) of section  
20 5104 of title 38, United States Code, shall apply  
21 with respect to a claim submitted on or after the  
22 date of the enactment of this Act.

23 (2) CLAIMS SUBMITTED BEFORE DATE OF EN-  
24 ACTMENT.—

1 (A) DEADLINE.—By not later than 18  
2 months after the date of the enactment of this  
3 Act, the Secretary of Veterans Affairs shall—

4 (i) make a decision with respect to  
5 each claim for benefits under the laws ad-  
6 ministered by the Secretary that is sub-  
7 mitted before the date of the enactment of  
8 this Act; and

9 (ii) provide notice of such decision to  
10 the claimant who submitted the claim.

11 (B) AUTOMATIC APPROVAL OF DELAYED  
12 CLAIMS.—Any claim covered by subparagraph  
13 (A) for which the Secretary does not make a  
14 decision by the deadline under that subpara-  
15 graph shall be automatically approved.

16 **SEC. 3. TASKFORCE ON CLAIMS PROCESS.**

17 The Inspector General of the Department of Veterans  
18 Affairs shall establish a taskforce to monitor the process  
19 by which claims for benefits under the laws administered  
20 by the Secretary of Veterans Affairs are decided. Such  
21 taskforce shall be responsible for ensuring that such  
22 claims—

23 (1) are not denied arbitrarily so as to avoid re-  
24 sponsibility for the cost of the claim; and

1 (2) are decided in an appropriate manner.

